



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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April 19, 2000

CERTIFIED RETURN RECEIPT

P 074 976 831

Bryce Haas
331 East 200 South
Lindon, Utah 84042

Re: Small Mining Operation Exceeding Five Acres of Disturbance, Bryce Haas, B & C Limestone Quarry, S/039/013, Sanpete County, Utah

Dear Mr. Haas:

This letter is sent to notify you that your mining operation was inspected on April 12, 2000 by the Division staff (inspection memo enclosed). Measurements were made of the disturbed area and it was found to be greater than five acres, the threshold for a small mining operation. As you know, a mine site that exceeds five acres of surface disturbance falls into the large mining operation category. During the inspection of the site, evidence of recent mining activity was observed. The affected area was measured with a Trimble GPS to determine the overall disturbed acreage. The results are as follows:

- The quarry, pad, work areas and product storage areas was 7.5 acres in size.

Since the 7.5 acres exceeds the five acre limitation of your small mining notice, this project should be permitted as a large mining operation. To date, we have not received a Notice of Intention to Commence Large Mining Operations (LMO) from you for this project.

If you believe this acreage measurement is incorrect, please provide a certified land survey of all mining related disturbances that clearly demonstrates that you have not exceeded the five acre threshold. This information and all appropriate supporting justification must be provided to this office by May 12, 2000. If you choose to provide a certified survey, we request a minimum of five days advance notice before the survey is conducted, so that we can arrange for our staff to witness the survey.

The expansion of this small mining operation beyond the five acre limit requires your immediate attention to avoid a formal non-compliance enforcement action. In order to allow you to continue mining under your current small mining operations permit, the Division will require you to choose one of the following options. Please notify the Division in writing within one week of receipt of this letter of your preferred choice:

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1. Commence immediate reclamation of the mine site to reduce your surface disturbance to five (5) acres or less, by backfilling/regrading/recontouring and reseeded. The earthwork must be completed no later than June 12, 2000 and the seeding must be completed by October 31, 2000; *or*
2. File a complete and adequate Notice of Intention to Commence Large Mining Operations (FORM MR-LMO enclosed) with this office within 60 days of your receipt of this letter. A requisite \$350.00 permit application fee is required to accompany a new LMO with less than 50 acres of disturbance.

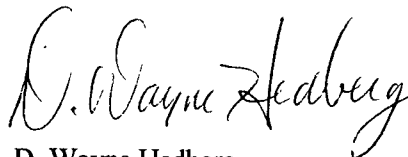
Please note: If you choose option #2, you will need to restrict all continued operations to a designated five acre parcel of disturbance until your large mine application is approved. The boundaries of the five acre area will need to be clearly marked in the field (T-posts are preferred). An updated topographic disturbed area map will also be required outlining the chosen five acre boundary.

If you fail to submit a complete and adequate LMO or conduct timely reclamation of the excess disturbance (minimum of 3.7 acres), we may be forced to initiate formal enforcement actions. Those actions could include, but are not limited to any or all of the following:

- ▶ A Notice of Non-Compliance,
- ▶ A Notice of Agency Action (requiring a formal public hearing),
- ▶ Cessation of operations,
- ▶ Permit revocation,
- ▶ Immediate reclamation,
- ▶ Fines and/or other appropriate penalties as authorized by state mining laws.

If you have any questions regarding the requirements of this letter, please contact me at (801) 538-5286. If I am unavailable, please contact Lynn Kunzler (538-5310) of the Minerals Reclamation Program at your earliest convenience. Thank you in advance for your cooperation in working with us to resolve this area of concern.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Reclamation Program

jb:
Enclosure: inspection memo, MR-LMO & Rules
cc: John Blake, SITLA
Mary Ann Wright, DOGM
Lynn Kunzler, DOGM
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